

ORDINANCE NO. 2018-105

ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A NEW ELEMENTARY SCHOOL WITH A MAXIMUM OF 700 STUDENTS PURSUANT TO HIALEAH CODE OF ORDINANCES § 98-181; AND GRANTING A VARIANCE PERMIT TO ALLOW 62 PARKING SPACES, WHERE 150 PARKING SPACES ARE REQUIRED; ALL CONTRA TO HIALEAH CODE OF ORDINANCES § 98-2189(8) AND (9). PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT); **PROPERTY LOCATED AT 8101, 8155 WEST 28 AVENUE, AND 2750 WEST 82 STREET, HIALEAH, FLORIDA**; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board, at its meeting of August 22, 2018, recommended approval of this ordinance; and

WHEREAS, the developer has proffered a traffic operational plan, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below described property is granted a conditional use permit (CUP) to allow a new elementary school with a maximum of 700 students pursuant to Hialeah Code of Ordinances § 98-181.

Section 2: The below described property is hereby granted a variance permit to allow 62 parking spaces, where 150 parking spaces are required, contra to Hialeah Code of Ordinances § § 98-2189(8) and (9) that provide as relevant respectively: “Day care centers, child care facilities, kindergarten and pre-elementary schools. One parking space for each 400 square feet of gross floor area. Safe and convenient ingress and egress to the center, facility or school, including a

drop-off area, is required”; and “Elementary, middle and high schools, post-secondary schools, colleges, vocational or trade schools. One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors.” Property located at 8101-8155 West 28 Avenue, and 2750 West 82 Street, Hialeah, Florida, and legally described as follows:

A portion of Lot 5, Block 1, of “I-75 INDUSTRIAL CENTER SECTION ONE, according to the Plat thereof, as recorded in Plat Book 116, at Page 35, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning 51 feet West of the Southeast corner of Lot 5; thence West 14 feet; thence North 294.89 feet; thence East 25.90 feet; thence South 294.56 feet to the Point of Beginning; AND all of Lots 1, 2, 3, 4, Block 1, “I-75 INDUSTRIAL CENTER SECTION ONE”, according to the Plat thereof, as recorded in Plat Book 116, at Page 35 of the Public Records of Miami-Dade County, Florida.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

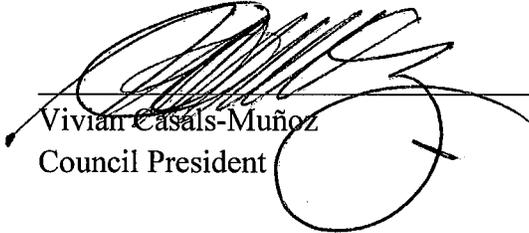
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

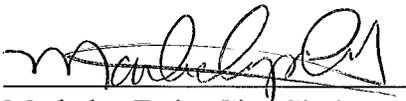
PASSED and ADOPTED this 25 day of September, 2018.

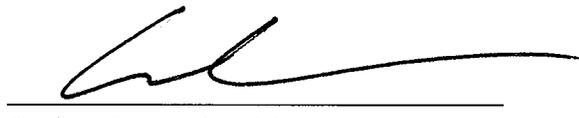
THE FOREGOING ORDINANCE
OF THE CITY OF MALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

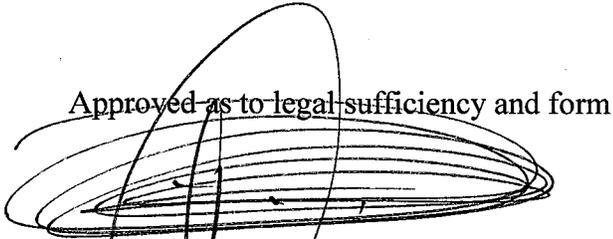
Attest:

Approved on this 1 day of October, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casáls-Munoz, Hernandez, Caragol, and Cuenca-Fuente voting "Yes" and Garcia-Martinez absent.